

JERSEY CITY ENVIRONMENTAL COMMISSION
Prepared Comments for October 19, 2011 FERC Public Hearing
On Spectra Energy's Proposed Pipeline Expansion

- **On behalf of the Jersey City Environmental Commission, I'd like to thank FERC for the opportunity to provide comments on this project. The Commission intends on providing more extensive written comments on the proposal, but for tonight's purposes a few preliminary observations follow.**
- **Environmental Justice**
 - The Commission is concerned that FERC's review of the environmental justice impacts associated with the proposed project is inadequate. FERC should conduct a more rigorous analysis to ensure that New Jersey's low income and minority communities are not required to bear a disproportionate share of our society's environmental and safety burdens.
 - (1) FERC has not properly identified the affected population:
 - In the DEIS, FERC defines a minority population as a community where minorities comprise more than 51.1% of the population. The Commission believes this threshold is too high and likely has resulted in FERC overlooking environmental justice communities impacted by this project.
 - Instead, FERC should identify environmental justice communities as those where the minority population percentage of the affected area is meaningfully greater than the minority population percentage of the general population.
 - (2) FERC has not properly identified disproportionately high and adverse impacts of the proposed project on environmental justice communities:
 - It appears that the environmental justice analysis in the DEIS makes no effort whatsoever to account for the cumulative impacts of the proposed action on environmental justice communities.
 - Instead, FERC states impacts associated with the project will be spread across the entire project area and not disproportionately concentrated in Environmental Justice communities. The Commission believes that this completely misses the point of an environmental justice analysis, and fails to offer a level of protection that our overburdened communities deserve.
 - Before it issues the Final Environmental Impact Statement, FERC should account for past, present, and reasonably foreseeable future actions in the project

area that may contribute to a disproportionate impact on our environmental justice communities. These may include permitted facilities, proximity to high traffic areas, proximity to contaminated areas such as the PPG chromium clean up sites, diesel particulate matter hot spots, etc.

- In doing so, FERC should also utilize relevant public health data, such as abnormal asthma rates or high rates of asthma related hospitalizations.
- (3) The DEIS is very specific with regard to the environmental justice communities that it believes will NOT be affected by the proposed project, but vague with regard such communities that will be affected.
 - FERC should provide the data it used for identifying environmental justice communities in the vicinity of the proposed project, including but not limited to the census blocks crossed by the proposed project, as well as the demographic and income information for those census blocks. It should also coordinate the mile markers for the proposed project with the correlating census blocks.
- (4) FERC should specifically analyze the impacts of the alternatives considered on environmental justice communities in order to offer the public a full picture of the impacts associated with alternatives considered.
- **Noise and Air Impacts**
 - If FERC does approve this project, it should require the applicant to take more aggressive measures to address the noise and air quality impacts associated with the construction and operation of the pipeline.
 - The Commission requests that FERC provide a copy of the applicant's final noise mitigation plan to the Commission once it is received from the applicant.
 - With respect to air quality, the Commission urges FERC, if it approves the project, to require the applicant to adopt more aggressive measures to address the significant air quality impacts associated with the construction of the proposed project.
 - The Commission notes that the construction emissions of PM10 will be 203 tons in 2012 and 372 tons in 2013. By comparison, the Newark garbage incinerator, which is the largest incinerator in New Jersey and burns all of Essex County's and nearly all of Manhattan's garbage, only has the potential to emit 140 tons of PM10 in a year. The incinerator's actual emissions are much less.

- Further, the construction emissions of PM2.5 will be 34 tons in 2012 and 64 tons in 2013. As FERC is aware, the entire project area is currently in non-attainment under the federal Clean Air Act for PM2.5.
 - Accordingly, if FERC approves this project, it should require applicants to adopt measures to mitigate adverse air quality impacts including, but not limited to, requiring that all construction equipment use only ultra-low sulfur diesel fuel and install diesel particulate filters on all construction equipment greater than 50 hp.
- **Alternatives and Justification for the Project**
 - It appears to the Commission that FERC analyzed each potential alternative in isolation, rather than considering the potential for several of the alternatives, such as energy conservation and renewable energy together, to obviate the need for the project. FERC should analyze whether some of the alternatives, taken together, may make the proposed project unnecessary.
 - The Commission notes that much of the data that FERC used in its discussion of the justification for the project and potential alternatives to the project is outdated and does not reflect reality. To ensure that the best decision is made, FERC should use the most up-to-date information possible.
 - For example, in its discussion of potential alternatives to the project, FERC addresses solar energy, and states that more than 60 MW of solar projects have been installed in New Jersey. However, as of the end of August of this year, prior to the issuance of this DEIS, more than 430 MW of solar projects have been installed in New Jersey, and the number keeps growing. In 2010 alone, New Jersey generated over 500,000 MWh of renewable energy.
 - In its discussion of energy conservation, FERC fails to account for the tremendous strides that New Jersey has made in energy conservation. For example, records show that in 2008 New Jersey saved approximately 500,000 dekatherms of natural gas. In 2009 that number had risen to over 600,000, and in 2010 it was close to 1 million.
 - Similarly, the Commission notes that FERC's assumptions with respect to energy demand are incorrect and outdated.
 - In its discussion of alternatives, FERC rejects several of the alternatives on the basis that they will not meet increasing demand for energy. However, over the last several years there has been a marked trend of decreasing demand for energy.
 - For example, on January 14, 2011, PJM, this region's regional electricity transmission grid operator, issued its 2011 Load Forecast, in which it presented a markedly lower forecast for

energy demand from the year before. In turn, the 2010 forecast was lower than the 2009 forecast.

- Before it issues a Final EIS, FERC should update its analysis to use the most up-to-date and accurate information regarding energy demand.
- Finally, the Commission questions FERC's elimination of renewable energies from consideration on the basis that their attendant facilities, such as transmission lines and fuel harvest areas, may have potential impacts on the environment.
 - In its DEIS, FERC has not considered the impacts associated with obtaining much of the natural gas that will come through this pipeline from unconventional sources in shale formations.
 - The extraction of natural gas from shale formations can result in higher total greenhouse gas emissions, not to mention particulate matter and other pollutants, than coal. It can also potentially contaminated drinking water and groundwater with methane and other toxic chemicals.
 - The Commission also notes that concerns have been raised before the New York Department of Environmental Conservation with respect to the presence of carcinogenic radon in natural gas obtained from the Marcellus shale. Such radon could end up in the kitchens and homes of the end-users of this gas.
 - The point that the Commission wishes to make in this regard is that if FERC is able to eliminate renewable energies or other alternatives from further consideration on account of potential impacts associated with such sources of energy, then FERC should go through the same analysis with respect to natural gas.

Thank you again for the opportunity to provide these comments. We look forward to receiving FERC's response.